

AMENDMENTS TO THE DRAWINGS/FIGURES

The attached drawing sheet 4/11 includes a change to Fig. 4. Replacement Sheet 4/11 which includes Fig. 4 replaces original sheet 4/11. An annotated sheet showing the change is also attached.

Attachments: Replacement Sheet 4/11 and Annotated Sheet 4/11 showing changes.

REMARKS

The applicants appreciate the Examiner's thorough examination of the application and request reexamination and reconsideration of the application in view of the following remarks.

As a preliminary matter, the applicants submit herewith amendments to the specification that include changes to reference numerals such that all reference numerals refer to only one element. As amended, reference numeral 33 refers to the U-shaped angled forward frame member, reference numeral 38 refers to the base member of element 33, and reference numeral 36 refers to a leg of element 33.

As a further preliminary matter, the applicant has included a proposed drawing change for Fig. 4. Particularly, the applicant proposes that in Fig. 4 reference numeral 34 be changed to 33 to be consistent with amendments to the specification. Prior to amendment, this reference numeral was inadvertently used twice. No new matter has been added.

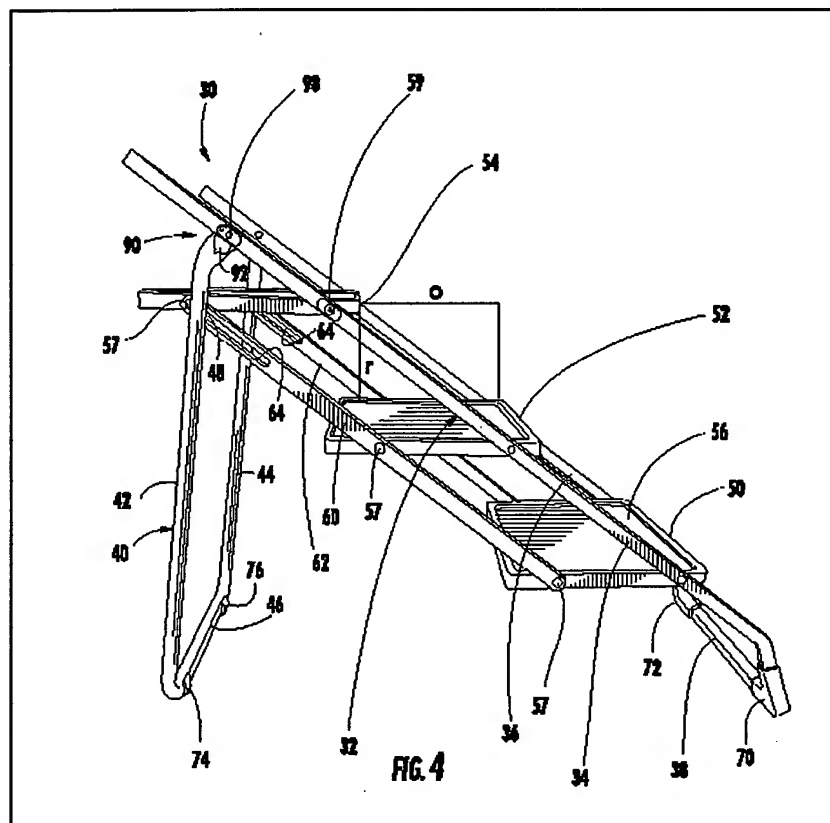
Accordingly, the applicant respectfully requests that the proposed drawing change be accepted by the Examiner.

Additionally, claim 10 has been amended to remove extra words, and claim 15 has been amended to add punctuation, i.e., a period.

The Examiner rejects claims 1, 9, 14 and 24 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,762,163 to *Kain*. The Examiner also rejects claims 2-8 under 35 U.S.C. §103(a) as being unpatentable over *Kain* further in view of U.S. Pat. No. 3,593,821 to Lister. The Examiner further rejects claims 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Kain* in view of U.S. Pat. No. 4,440,264 to *Knoke et al.* The Examiner also rejects claim 11 as being unpatentable over *Kain* further in view of U.S. Pat. No. 5,577,574 to *Joseph*. The Examiner further rejects claim 12 as being unpatentable over *Kain*, stating that it

would have been obvious to one of ordinary skill in the art to add steps made of chrome plated steel. The Examiner also rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Kain* in view of U.S. Pat. No. 4,485,892 to *Maloney et al.*

In the applicants' claimed invention, bracket members 60, 62 each include an elongate channel 64 therein through which the connecting rod 48 extends, and the applicant's claimed bracket members are hingedly connected to the steps. See, e.g. the applicants' Fig. 4 below.



In sharp contrast, *Kain* discloses no bracket members with an elongate channel. In *Kain*, handle 44, Fig. 5, is pulled in the direction of arrow 58. This action pulls rods 48 out of a hole 52, Fig. 6 in rear legs 22. As can be clearly seen in Fig. 9 of *Kain*, member 36 (called a “link” by *Kain*) is solid and includes no channel therein. The Examiner describes “a pair of bracket members – at 57”, Figs. 5 and 6 and states they each include elongate guide channels

(see proximate 48 in Figs. 5 and 6). However, *Kain*'s so-called bracket members 57 are honeycomb reinforcement portions of step 18. See e.g. *Kain* at column 5, lines 54-56. These honeycomb reinforcement portions are not hingedly connected to the steps, in further contrast to the applicant's claimed invention wherein the bracket members are stated to be hingedly connected to the steps and each including an elongate channel therein.

Thus, in contrast to the applicant's independent claim 1, *Kain* fails to disclose or suggest a pair of bracket members each hingedly connected to the steps and each including an elongated guide channel therein through which the connecting rod extends to allow the steps and the rearward frame member to fold proximate the forward frame member. Furthermore, each elongated channel includes a detent which releasably locks the connecting rod with respect to the bracket members when the steps and the rearward frame member are unfolded. Also, in contrast to the applicant's independent claim 24, *Kain* fails to disclose or suggest a pair of bracket members each hingedly connected to opposite sides of the steps and each including an elongated guide channel therein through which the connecting rod extends to allow the steps and the rearward member to fold proximate the forward member.

Accordingly, independent claims 1 and 24 are not anticipated or suggested by *Kain*, and are in condition for allowance. Claims 2-15 depend directly or indirectly from independent claim 1, and thus these claims are in condition for allowance for at least the reasons stated above.

The Examiner also rejects claims 16-23 and 25 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,593,821 to *Lister*. *Lister* does not disclose an angled forward frame portion including two spaced legs connected by a base member. Element 36 of *Lister* is not a base member connecting the two legs of the forward member. Instead, element 36 is the

forward edge of the bottom step. See *Lister*, column 3, lines 47-49.

In summary, *Lister* does not disclose, in addition to steps, a base member connecting the two legs of the forward frame portion.

In contrast, as amended the applicants' claims 16 and 21 each recite, *inter alia*, an angled forward frame portion including two spaced legs and a connecting base member.

Applicants' independent claim 16, as amended, recites a step system comprising an angled forward frame portion including two spaced legs connected by a base member, a rearward frame portion hinged to the forward frame portion, and a plurality of steps each hingedly connected to the angled forward frame portion, each step wider than 12 inches, deeper than 6 inches, having a rise less than 9 inches, and having an offset between adjacent steps greater than 7 inches. Applicants' independent claim 21, as amended, recites a folding grooming table step system comprising a frame including an angled forward frame portion including two spaced legs and a connecting base member, a rearward frame portion including spaced legs hinged to the forward frame portion, a connecting rod spanning the two spaced legs of the rearward frame portion, a plurality of steps each hingedly connected to the angled forward portion, each step wider than 12 inches and deeper than 6 inches, each step having a rise less than 9 inches and an offset greater than 7 inches, and a pair of bracket members each hingedly connected to the steps and each including an elongated guide channel through which the connecting rod extends to allow the steps and the rearward frame portion to fold proximate the forward frame portion.

Thus, *Lister* does not disclose each and every element of the applicants' independent claims 16 and 21.

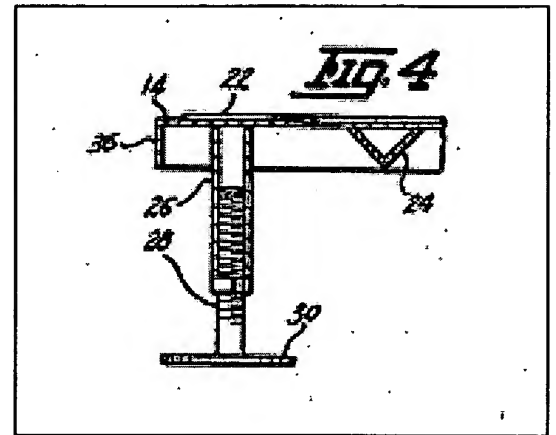
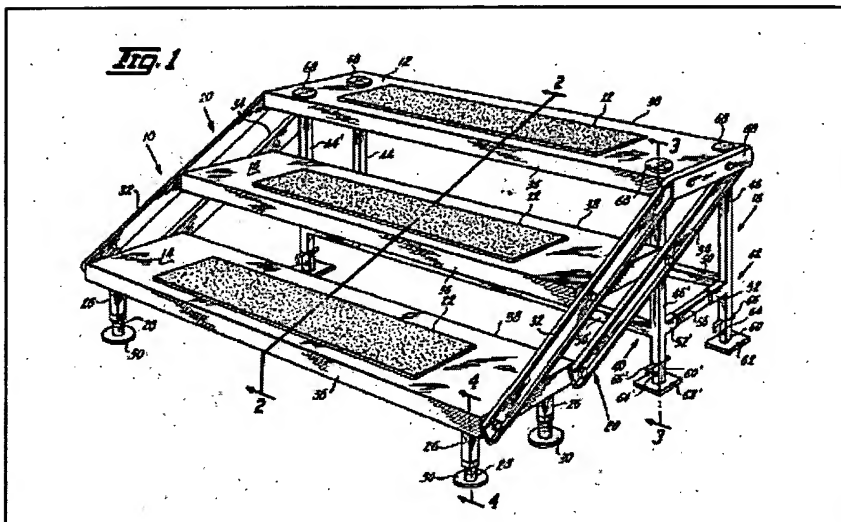
Additionally, a base member connecting the legs of *Lister* would destroy one of the

main functions of *Lister*, namely, the ability to adjust the height of the system from the bottom.

See, e.g. *Lister* column 3, lines 36-45 where it states:

Depending from each corner of the bottom tread 14 is a foot support member 26 as best seen in Fig. 4 which threadably receives a shank 28 to the bottom of which is secured a suitable enlarged foot 30 for engagement with the ground or other supporting surface. By this arrangement, each of the feet 30 can be individually vertically adjusted so that tread 14 can be placed level irrespective of any irregularity in the ground or other supporting surface at this point.

Figs. 1 and 4 of *Lister* are reproduced below for convenience.



Accordingly, independent claims 16 and 21 as amended are in condition for allowance.

Claims 17 and 22 have been cancelled. Claims 18-20 depend directly or indirectly from claim 16. Claim 23 depends from claim 21. Accordingly, claims 18-20 and 23 are also in condition for allowance for at least the foregoing reasons.

With respect to claim 25, claim 25 as amended recites a folding step system foldable flat for storage and transport comprising a foldable frame: three wide steps each hingedly connected to the foldable frame, each step wider than 12 inches, deeper than 6 inches, having a rise less than 9 inches, and each adjacent step offset by a distance greater than 7 inches, the top

step being at least 24 inches high. See also, e.g. the applicants' Fig. 11 and the specification at page 7, lines 1-3.

In contrast to the applicants' claim 25, *Lister* does not disclose that the adjustable stair step unit is foldable flat for storage and transport. In fact, *Lister* discloses that the unit will be employed next to a building for example, and may be secured to the building. Also, *Lister* discloses a railing arrangement. See, e.g. *Lister* column 4, line 46 through column 5, line 13. Additionally, corner posts 44 and 46 are secured in spaced relationship by an upper horizontal rail 48 and a lower horizontal rail 50. See, e.g. *Lister* at column 3, lines 69-73. See also Figs. 4 and 5 of *Lister*. Such an arrangement is not suitable for folding and storage.

Accordingly, claim 25 is not anticipated by *Lister*, and is in condition for allowance.


CONCLUSION

Accordingly, claims 1-16, 18-21, and 23-25 are in condition for allowance.

Each of Examiner's have been addressed or traversed. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

Respectfully submitted,


Thomas E. Thompson, Jr.
Reg. No. 47,136